HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.257 OF 2007

Between:

Smt.Nakka Nancharamma and others
. . .Appellants

AND

The Mandal Revenue Officer and others
. . .Respondents

:: JUDGMENT ::

Counsel for the appellants : Shri A. Venkata Ramana
For Shri D.V. Sitharam Murthy

26th March, 2007

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PER G.S.SINGHVI, CJ

Having failed to persuade the learned Single Judge to entertain their prayer for restraining respondent Nos.1 to 3 from interfering with their possession over land comprised in Survey Nos.297/7, 297/8 and 297/9, Vetapalem of Ramannapeta Village, Vetapalem Mandal, Prakasam District, the appellants have preferred this appeal under Clause 15 of the Letters Patent.

In the affidavit filed by her in support of the writ petition, Smt.Nakka Nancharamma (appellant No.1 herein) averred that petitioner Nos.1 and 2 are legal representatives of the assignees of land measuring Ac.0.96 cents and Ac.0.85 cents respectively and petitioner No.3 is the assignee of Ac.0.85 cents of land. She further averred that Mandal Revenue Officer, Vetapalem Mandal issued notices dated 30-12-2006 to the petitioners requiring them to show cause against the proposed cancellation of assignment; that they filed replies to contest the notices, but without considering the same and passing final order, respondent No.1 and others are threatening to dispossess them. In paragraph 8 of her affidavit, appellant No.1 averred that on a representation made by her and others, Collector, Prakasam issued proceedings dated
19-1-2007 to respondent No.1 requiring him to conduct enquiry and field inspection and report within a fortnight, but instead of doing so, respondent No.1 and others are trying to forcibly dispossess them.

At the hearing of the writ petition, learned Assistant Government Pleader for Revenue (Assignment) gave out that the respondents are not going to dispossess the petitioners. The learned Single Judge,

after taking cognizance of the statement of the learned Assistant Government Pleader (Assignment), dismissed the writ petition.

We have heard Shri A. Venkata Ramana and perused the record. In our opinion, the learned Single Judge did not commit any error by refusing to entertain the writ petition because the appellants did not produce any tangible evidence to substantiate their allegation that respondent Nos.1 to 3 were seeking to dispossess them. The bald allegation contained in the affidavit of appellant No.1 that the officials of the revenue had visited their land cannot be made basis for recording a finding that respondent Nos.1 to 3 were trying to forcibly dispossess the appellants. That apart, the statement made by the learned Assistant Government Pleader (Assignment) that the proceedings initiated against the appellants are pending and that they will not be dispossessed was sufficient to dispel any apprehension that the respondents will forcibly dispossess them.

In view of the above, we hold that the learned Single Judge did not commit any error by refusing to entertain the writ petition and this appeal is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the appeal, WAMP No.482 of 2007 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

March 26, 2007

C.V.NAGARJUNA REDDY, J

svs